

MARK R. HONADEL

STATE REPRESENTATIVE • 21ST ASSEMBLY DISTRICT

TESTIMONY ON ASSEMBLY BILL 216 ASSEMBLY COMMITTEE ON TRANSPORTATION

SEPTEMBER 20, 2011

Fellow committee members and Chairman Petrowski, thank you for giving me the opportunity to testify today in favor of Assembly Bill 216.

For many years, mowing and trimming of vegetation along Wisconsin's state highways had been drastically reduced. Unfortunately, this resulted in vegetation that grew tall enough to block the visibility of outdoor advertising signs along the highway. Five years ago, I worked with the Department of Transportation and the Outdoor Advertising Association of Wisconsin to develop legislation that created a permit system for vegetation management along highways. Since then, it has become apparent that the resulting administrative burden is excessive for both the sign owner and the DOT.

Currently, completing an application is very time-consuming for sign companies. The DOT's review of the application often requires gathering and poring over records that are so old they are stored off-site. Both DOT personnel and the sign company then must make multiple trips to the site to determine how and what vegetation may be trimmed.

Assembly Bill 216 makes several changes to the existing law in order to reduce administrative costs and time for the state, streamline the permitting process, and provide certainty for outdoor advertising companies and the businesses which advertise on their signs.

The bill creates clear and concise standards to advance the permitting process. The DOT must issue permits to eligible applicants, but may not issue a permit for a sign in its first 5 years. This provision eliminates much of the often difficult work of tracking down old records and also discourages new signs from being placed in areas that would currently be deemed "obstructed." The permittee that removes vegetation with a diameter greater than four inches will be required to plant replacement vegetation to compensate for the vegetation removed. The sign companies will bear all costs of trimming, removal and replacement. The DOT will retain its oversight abilities.

Assembly Bill 216 should be part of an overall effort to reduce and reform complicated, overly burdensome, and unnecessary state regulations in order to promote and support economic growth. This bill allows state sign companies to effectively provide advertising opportunities for other state businesses, while also protecting, maintaining, and managing vegetation along our state highways.

After listening to the testimony before you today, I hope you will join me in supporting Assembly Bill 216. Thank You.

Working For You!

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10 EAST DOTY STREET, SUITE 519
MADISON, WISCONSIN 53703
608-286-0764
WWW.OAAW.ORG

September 20, 2011

MEMORANDUM

TO: Chairman Jerry Petrowski and Members of the Assembly Committee on Transportation

FROM: Janet R. Swandby and Kathi Kilgore, Lobbyists

RE: **Support for AB 216 – Vegetation Management along Highway Rights-of-Way**

Current law addressing the trimming or removal of vegetation along State highway rights-of-way that is blocking the visibility of outdoor advertising signs or billboards was adopted in 2006. The law was intended to provide sign owners with a way to guarantee that their signs could be seen from the highway.

In the five years that the law has been in place, it has become apparent that it has created a burdensome and time-consuming application and review process for both the sign owner and DOT. In addition, the current law does not provide the relief that was promised as a large percentage of the 122 applications that have been submitted have been denied by DOT. AB 216 will address both of these concerns.

AB 216 will remove the regulatory burden by:

- Removing the distinction between planted and natural vegetation.
- Removing the distinction based on the zoning of adjacent land.
- Removing the determination whether the sign or the vegetation existed first.
- Removing the requirement that adjacent landowners and municipalities be notified.

AB 216 keeps:

- The requirement that sign owners pay an application fee and all costs related to the trimming and removal of vegetation.
- The incentive to trim rather than remove vegetation that is blocking the view of a sign.

AB 216 improves current law by:

- Requiring that all removed vegetation with a diameter of 4 inches or more must be replaced.
- Sign owners will have to cover the cost of the purchase and the planting of all replacement vegetation.
- Requiring that DOT complete the review process in 30 (not 60 or more) days.
- Including grass as vegetation that can be trimmed to provide visibility of a sign.

The Outdoor Advertising Association of Wisconsin hopes that you will support AB 216 and recommend passage to the full Assembly. If you have questions or concerns, please contact us at 608.286.9599 or at Swandby@swandby.com or Kilgore@swandby.com.

Charles Mitchell
1540 Naleid Road
Three Lakes WI 54562
September 20, 2011

Assembly Transportation Committee
Wisconsin State Legislature
Madison, Wisconsin

Subject: Public Hearing on AB 216 Removal of Vegetation

Opposition to AB216

We don't want to allow the flagrant destruction of vegetation to provide better views of billboards. I believe most people would rather see trees than outdoor advertising, especially in this time of excess of TV commercials, computer pop-ups and telemarketing.

Trees and shrubs also provide owners of property near the road with a barrier against rushing traffic, road noise and car headlights. It also provides a beautiful backdrop to their yard, and privacy.

Trees screen objectionable industrial buildings and grounds from the view of drivers, which is also important to tourism. In fact, tourism depends heavily on scenic beauty, which roadside trees and shrubs contribute to.

The provision in AB216 that the DOT must issue a permit to cut trees simply because the owner of a billboard applies is ridiculous. If the DOT protected or planted the trees, there is a reason for it and they should not be removed without serious review by the DOT.

The provision in the newly introduced bill that allows trees to be cut only if a billboard has been in place for at least 5 years is really flimsy. It seems reasonable on first reading, but it's deceptive because when you think about it, you realize that billboards can be put up anywhere, even behind beautiful, large trees, and in five years those trees can be cut down.

Please do not support AB216. It's just a gift to a special-interest group.

Sincerely,
Charles Mitchell
Charles Mitchell

715-479-5148

AB 216 2009 Wisconsin Legislature – vegetation removal for billboard visibility

My name is Vernie Smith. I live in the City of Viroqua in southwestern Wisconsin, in the heart of the beautiful driftless region.

Notice that I used the word “beautiful” in describing where I live. Regardless of how you feel about billboards, whether you have strong opinions about them or any opinion at all I would encourage you to think about that word and notice how often it is used to describe something, particularly a place. It is employed a lot so it must be important for both quality of life and economic reasons. It is the beauty of Wisconsin that the tourism industry depends on to draw visitors.

The chapter of our state statutes that regulates the placement of billboards along our state highways employs that word also. One of the purposes of the law is “to preserve the natural beauty of Wisconsin”.

The premise of my testimony is that current law permitting tree cutting for billboard visibility falls short of advancing that purpose. For that reason, Citizens for a Scenic Wisconsin, the organization to which I belong, opposed it in 2006 when the billboard industry got it introduced and passed.

The current proposal further weakens the DOT’s ability to “preserve the natural beauty of Wisconsin” in some rather dramatic ways. But first let me briefly outline recent history in this effort to protect our roadside vegetation against the unreasonable interference from the billboard industry.

In 2001 the billboard industry got a provision inserted into the state budget to allow clear-cutting for billboard visibility. It was vetoed by Governor Scott Mc Callum.

In the 2003 legislature a bill was introduced to expand the billboard industry’s ability to cut vegetation for billboard visibility. It did not become law.

In the 2005 legislature the current law was passed and signed by Governor Doyle. It expanded the billboard industry’s ability to cut vegetation.

And all of this was unnecessary. The DOT already had policy guidelines, as part of their Highway Maintenance Manual, for management of roadside vegetation. Those guidelines protected the state’s investment in our highway trees and vegetation while allowing responsible removal and trimming of vegetation for site exposure, including billboards.

But that is where we were. Where we are now is a problem piece of legislation, AB 216. This legislation does the following:

It mandates that DOT issue permits for vegetation removal. DOT is left with no flexibility to deny permits.

It mandates a continuous 500 foot unobstructed view of the billboard.

It does not take into account neighboring properties. A neighboring property owner could awaken one morning to find people cutting trees in front of his house without ever having been consulted. Without the vegetative barrier, that property owner could find himself exposed to the sight and noise of rushing traffic. It is all about the owner of the billboard – nobody else matters.

Mr. Vernie Smith
540 E. South St.
Viroqua, Wisconsin 54665

If the vegetation was there before the billboard, it doesn't matter. The vegetation comes down. There is a silly provision in this legislation saying a vegetation removal permit can't be issued until the billboard has been there for 5 years. This means nothing, only that the owner of a new billboard must wait five years before taking down vegetation. A billboard can be put up behind a row of lovely mature trees and in five years those trees can be cut down.

There is no compensation to the state for the lost vegetation. The billboard owner is simply allowed to plant "comparable replacement vegetation" somewhere else (up to 10 miles away) on the highway right of way. The DOT retains no oversight or control, except to say "plant it here". And the new vegetation can be much smaller than the vegetation removed.

Current language is retained saying you can't "clear-cut any highway right-of-way". But of course this is absurd, because that is exactly what is happening under this bill. What people are going to see is clear-cutting of all vegetation for billboards.

In the Fiscal note attached to this bill it is estimated that close to 100 million dollars of state property is at risk of being destroyed by this bill, yet the ones doing the destroying aren't paying at all. Vegetation has been specifically planted or nurtured by the DOT to screen lights from automobile headlights that might otherwise blind on-coming automobiles, and to control erosion by wind and rain.

Like so much of the pro-billboard legislation coming out of this chamber during the last few years, this is a gift to billboard owners that robs Wisconsin of one of its birthrights, it's God given scenic beauty.

Thank you for your time and for the opportunity to speak to you.

Vernie Smith



President, Citizens for a Scenic Wisconsin

608-637-8654

APPLICATION/PERMIT TO WORK ON HIGHWAY RIGHT-OF-WAY

Wisconsin Department of Transportation (WisDOT)
DT1812 6/2006 s.86.07(2), 86.16 and other applicable Wis. Stats.

To each copy of the application, attach one copy of the sketch showing location.

Location Description - quarter section, section, township, range, etc. Highway 26 west side, approximately 200' south of Maple Grove Lane, reading to southbound traffic Lamar Panel # 65450 OASIS # 13670	Proposed Work Location <input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City of Jefferson	
	County Jefferson	
Applicant Name and Address Lamar Outdoor Advertising 5101 Hwy 51 South Janesville, WI 53546	Starting Date December 1, 2010	Highway <input checked="" type="checkbox"/> STH 26 <input type="checkbox"/> USH <input type="checkbox"/> Interstate
	Completion Date	
Type of Work Proposed Removal and treatment of stumps of approximately 66 volunteer growth pieces of vegetation in the Right of Way. Specifically, 9 shrublike plants with red berries and 57 single stem or multi stem ash all with diameters under 4".		

It is understood and agreed that approval is subject to the applicant's full compliance with the pertinent Statutes, as well as any codes, rules, regulations, and permit requirements of other jurisdictional agencies. The applicant shall also comply with all permit provisions, superimposed notes, and detail drawings, which may be added by WisDOT. Any alteration of this form by the applicant is prohibited and may be cause to revoke this permit.

Lamar Outdoor Advertising

(Main Contractor, If applicable)

(Contractor Representative/Title)

(Office Telephone Number)

(Cellular Telephone Number)

X  10-6-10
(Applicant or Authorized Representative) (Date)

(If Computer-filled, Brush Script Font)

Brad Yarmark

V.P., Gen Mgr.

(Printed Name)

(Title)

608-754-6141

(Telephone Number)

* If the work described is not completed by the "Completion Date" specified, this permit is null and void and the work shall not be completed unless authorized through a subsequent permit or an approved time extension.

Transportation Regional Location and Telephone Number

Date Application Received by WisDOT

☐ The applicant shall contact the Transportation Regional Office at the Telephone Number given at right NOT LESS THAN 3 WORKING DAYS prior to the start of the permitted work to arrange for a Regional Representative to locate and mark the existing traffic signal lines. No work under this permit shall be accomplished prior to the Regional Representative's arrival.

Special Telephone Number

Wisconsin Department of Transportation Permit Approval

☐ This permit is issued in conjunction with:

☐ This permit voids and supersedes: Permit #

Issued

X

Permit Number

Issuance Date

(WisDOT Authorized Representative)
(If Computer-filled, Brush Script Font)

THIS PERMIT IS REVOCABLE

INDEMNIFICATION

The Applicant shall save and hold the State, its officers, employees, agents, and all private and governmental contractors and subcontractors with the State under Chapter 84 Wisconsin Statutes, harmless from actions of any nature whatsoever (including any by Applicant itself) which arise out of, or are connected with, or are claimed to arise out of or be connected with any of the work done by the Applicant, or the construction or maintenance of facilities by the Applicant, pursuant to this permit or any other permit issued by the State for location of property, lines or facilities on highway right-of-way; (1) while the Applicant is performing its work, or (2) while any of the Applicant's property, equipment, or personnel, are in or about such place or the vicinity thereof, or (3) while any property constructed, placed or operated by or on behalf of Applicant remains on the State's property or right-of-way pursuant to this permit or any other permit issued by the State for location of property, lines or facilities on highway right-of-way; including without limiting the generality of the foregoing, all liability, damages, loss, expense, claims, demands and actions on account of personal injury, death or property loss to the State, its officers, employees, agents, contractors, subcontractors or frequenters; to the Applicant, its employees, agents, contractors, subcontractors, or frequenters; or to any other persons, whether based upon, or claimed to be based upon, statutory (including, without limiting the generality of the foregoing, worker's compensation), contractual, tort, or whether or not caused or claimed to have been caused by active or inactive negligence or other breach of duty by the State, its officers, employees, agents, contractors, subcontractors or frequenters; Applicant, its employees, agents, contractors, subcontractors or frequenters; or any other person. Without limiting the generality of the foregoing, the liability, damage, loss, expense, claims, demands and actions indemnified against shall include all liability, damage, loss, expense, claims, demands and actions for damage to any property, lines or facilities placed by or on behalf of the Applicant pursuant to this permit or any other permit issued by the State for location of property, lines or facilities on highway right-of-way in the past or present, or that are located on any highway or State property or right-of-way with or without a permit issued by the State, for any loss of data, information, or material; for trademark, copyright or patent infringement; for unfair competition or infringement of personal or property rights of any kind whatever. The Applicant shall at its own expense investigate all such claims and demands, attend to their settlement or other disposition, defend all actions based thereon and pay all charges of attorneys and all other costs and expenses of any kind arising from any such liability, damage, loss, claims, demands and actions.

Any transfer, whether voluntary or involuntary, of ownership or control of any property constructed, placed or operated by or on behalf of the

Applicant that remains on the State's property or right-of-way pursuant to this permit shall not release Applicant from any of the indemnification requirements of this permit, unless the State is notified of such transfer in writing. Any acceptance by any other person or entity, whether voluntary or involuntary, of ownership or control of any property constructed, placed or operated by or on behalf of the Applicant that remains on the State's property or right-of-way pursuant to this permit, shall include acceptance of all of the indemnification requirements of this permit by the other person or entity receiving ownership or control.

Notwithstanding the foregoing, a private contractor or subcontractor with the State under Chapter 84 Wisconsin Statutes, that fails to comply with sections 66.047 and 182.0175 Wisconsin Statutes (1985-1986), remains subject to the payment to the Applicant of the actual cost of repair of intentional or negligent damage by the contractor or subcontractor to any property, lines or facilities placed by or on behalf of the Applicant pursuant to this permit or any other permit issued by the State for location of property, lines or facilities on highway right-of-way, and remains subject to payment to the Applicant for losses due to personal injury or death resulting from negligence by the contractor or subcontractor.

Notwithstanding the foregoing, if the State, or its officers, employees and agents, fail to comply with sections 66.047 and 182.0175 Wisconsin Statutes (1985-1986), the State or its officers, employees and agents, remain subject to the payment to the Applicant of the actual cost of repair of willful and intentional damage by the State, or its officers, employees and agents, to any property, lines or facilities placed by or on behalf of the Applicant pursuant to this permit or any other permit issued by the State for location of property, lines or facilities on highway right-of-way, and remain subject to payment to the Applicant for losses due to personal injury or death resulting from negligence by the State, its officers, employees and agents.

No indemnification of private contractors or subcontractors with the State under Chapter 84 Wisconsin Statutes, shall apply in the event of willful and intentional damage by such private contractors or subcontractors to the property, lines and facilities of the Applicant located on the highway right-of-way pursuant to this permit or any other permit issued by the State for the location of property, lines or facilities on highway right-of-way.

PERMIT PROVISIONS AND CONDITIONS OF APPROVAL

Pursuant to the Wisconsin Statutes, this permit is granted to allow performance of that specific work described over which WisDOT has permit authority. The following provisions and any attached provisions shall govern.

1. No part of the permitted work shall be commenced until warning signs, devices and methods adequate to protect the public are in place and fully functional. Warning signs and devices shall conform to the appropriate sizes, designs and arrangements specified within the Wisconsin Manual on Uniform Traffic Control Devices, current edition. It shall be the responsibility of the applicant to provide and maintain at least the quantity of signs and devices therein described, but to also supplement those with such additional signs, devices and flaggers as are necessary to functionally protect persons and property from injury or damage at all times and under all conditions, including changed or changing conditions. Warning signs, devices and methods shall be in place and protectively functional prior to the commencement of any of the permitted works within the limits of the highway right-of-way, and shall protect the public until all permit-associated works are complete.
2. Vehicles, equipment and materials shall be regulated by the applicant to assure consistently safe conditions. Particular care shall be exercised at all times to assure a safe traffic environment at and near the site of the work. These requirements pertain while the work operations are in active progress, as well as during periods of work shut down. Any discovered violation of this permit, and particularly as regards any failing to maintain a safe traffic and general public environment will require an immediate cure by the applicant of the fault discovered, could result in an order by WisDOT to stop further progress of the work, and may result in revocation of the permit and expulsion from the highway right-of-way.
3. Holiday and seasonal work restrictions apply to the permitted works. The applicant should obtain a copy of the applicable restrictions from the Transportation Regional Office identified on the face of this permit.
4. The permitted work shall be coordinated, and in no case interfere, with any highway improvement project being undertaken at the same time.
5. Blasting within the limits of the state highway right-of-way is expressly prohibited, unless specifically authorized by WisDOT.
6. The applicant shall provide the supervisor of the permitted work(s) with a copy of this permit and is responsible to assure that the supervisor is familiar with all the permit's details and requirements. A complete copy of the permit shall be in the possession of the work force at all times that work is being performed within the right-of-way. The applicant shall be responsible to the State for any failure to comply with any part of this permit.

7. It shall be the responsibility of the applicant to determine the location of, and protect or cause to be protected from any damage, any facilities existing in the area to be influenced by the permitted work. All notifications to others are likewise a responsibility of the applicant.
8. All operations shall be performed without obstructing nor closing all or any part of any highway traffic lane unless specifically sanctioned by WisDOT.
9. All costs for constructing and maintaining the permitted facilities shall be the obligation of the applicant. The permitted facilities shall, if necessary, be altered at the expense of the applicant to facilitate alteration, improvement, safety control, or maintenance of the highway, as may be ordered by WisDOT.
10. The permit does not transfer any land; nor give, grant or convey any land right, right in land, nor easement.
11. The permit authorizes only the described works of and for the applicant indicated on the face of the permit. It does not grant authority for the facilities of any other, either by present or future installation.
12. Any disturbance to, operation within, or use of a highway median is expressly prohibited, unless specifically sanctioned by WisDOT.
13. Construction methods and restorations shall be in accordance with applicable parts of WisDOT Standard Specifications for Road and Bridge Construction, current edition.
14. The applicant shall assure that proper erosion control measures are implemented prior to and at all times during work operations. The applicant shall also be responsible for providing and maintaining erosion control measures to protect all restored areas upon completion of the permitted works until the replacement vegetation achieves sustained growth.
15. No direct access for the installation, maintenance or repair of the permitted facility shall derive from the travel lane or shoulder of any freeway, nor from any ramp or loop or an interchange, except access rendered imperative by an actual emergency. In the latter event, contact shall be established by the applicant with the Wisconsin State Patrol and with the Transportation Regional Office indicated on the face of this permit by the earliest means possible.
16. Permitted facilities shall be located as defined within this permit. Any part of the facility found to be otherwise located shall be subject to correction by and at the cost of the applicant to such extent as WisDOT may specify. Any facility or part thereof which is located other than as the permit defines occupies such location solely at the risk of the applicant. Accordingly, if the same is undetected or is suffered to remain in variance to the permit, the applicant agrees to hold the State, its employees, agents and officers harmless and free of any cost, claim or liability associated with any accidental damage to such facility which may result from a highway construction, maintenance, traffic control, or right-of-way management function.
17. All highway facilities disturbed by the permitted works or associated operations shall be restored promptly. If restoration is not accomplished voluntarily, without delay, WisDOT may issue a notice setting a time-certain by which the restoration must be complete. If the applicant fails to satisfactorily complete all restorations within the time thus established, WisDOT may arrange directly for all needful restorations, and all costs associated with such restorations and the arrangements therefore shall be a cost-obligation of the applicant. The applicant agrees to pay any and all such costs.
18. Any brush, trash or waste materials resulting from the permitted works shall be removed from the highway right-of-way. No tree or shrub shall be cut, trimmed or damaged to facilitate the installation or maintenance of the permitted facility except as authorized by the owner of such tree or shrub. See Wisconsin Statutes 86.03(2), (4), 86.16(3), and 182.017(5). Disposal of such materials off the right-of-way shall be in accordance with applicable solid waste disposal regulations.
19. Upon completion of the work and restorations, written notice shall be filed within 10 calendar days with the authorized Department representative who approved the permit.
20. Operations and safety precautions pertinent to any trenching, tunneling, or excavation activities shall comply with the most strict requirements of all applicable regulations and codes, including, but not limited to, those of the Wisconsin Department of Workforce Development.
21. Smooth and finished slopes shall be constructed at any location where any reggraded portion of the highway right-of-way meets the lands of the adjacent property owner.
22. Any excavation authorized within the limits of any normal highway pavement or shoulder area shall be backfilled with suitable granular material, placed in lifts or layers 12" or less each in depth, and compacted mechanically to the compaction of the adjacent and undisturbed ground or material. Water flooding and the use of moisture in excess of necessity to facilitate mechanical compaction are prohibited. Any subsequent heavings, settlements, or other faultings attributable to the permitted works shall be repaired to the satisfaction of WisDOT at the applicant's expense. Temporary sheeting and shoring shall be used as necessary to prevent soil caving in trenches and tunnels.
23. Any curb, gutter, sidewalk, driveway, gravel base, ballast or shoulder material, or other element of the highway right-of-way or facility disturbed by the permitted works shall be restored in kind to the qualities, grades, compactions and conditions at least equal to those prevailing ahead of the permitted work operations and all to the satisfaction of WisDOT.
24. Any turfed area of the right-of-way disturbed by the permitted works and operations shall be restored with fine-graded topsoil having a depth of not less than 4 inches, and reseeded to perennial grass, or sodded to the satisfaction of WisDOT.
25. If, in the opinion of WisDOT, the permitted works or facilities obstruct highway drainage, unduly in-crease the difficulty of highway maintenance, or in any other manner adversely affect a highway interest, the applicant shall, upon notice, cure the fault as directed, and restore the highway facility to the satisfaction of WisDOT.
26. For jacked or augered installations across and beneath any freeway, no vehicle, equipment nor material shall be any nearer to any freeway travel lane than the jacking pits; and no jacking pit shall be any nearer to the outer edge of the nearest freeway lane than 30 feet.
27. The applicant is responsible to assure that the site of construction is secure against any hazard to the public, both when the site is attended and during off-hours, any holiday, and the hours of night when the site is unattended.
28. The applicant should be aware that future upgrading of the highway may require the adjustment of part or all of the permitted facility in order to conform to the State's Utility Accommodation Policy.
29. The covers of manholes, shut-off and regulator valves, and like facilities shall be adjusted to the level of the immediately adjacent grades.
30. No vehicle, equipment or material relating to the permitted work shall be parked or stored within the limits of the highway right-of-way except such as are actively engaged in the work operation.
31. No greater length of trench shall be open at any time than is necessary to maintain essential progress of the work.

SPECIAL PERMIT PROVISIONS

The following checked provisions apply to this permit:

GENERAL

- ☐ 1. The applicant shall contact the Transportation Regional Office at the address and telephone number indicated on the face of this permit to arrange for a Regional representative to inspect the work site. No work under this permit shall be accomplished prior to his/her arrival.
- ☐ 2. The applicant shall notify the Transportation Regional Office at the address and telephone number indicated on the face of this permit prior to the completion of the work authorized and at a time that enables Regional personnel ample opportunity to inspect the work before the applicant's employees leave the site.
- ☐ 3. Construction by open-trench methods is authorized only if the permitted installation can be accomplished in advance of the highway paving. If this cannot be accomplished, the permitted facility shall be jacked and/or dry augured.
- ☐ 4. At any location where open-trench installation across highway pavement is authorized, the surfacing shall be saw-cut full depth to enable it to be restored with smooth joints.
- ☐ 5. All excavations shall be back-filled in accordance with the attached detail.

TRIMMING/CUTTING OF VEGETATION

- ☐ 6. Vegetation shall not be cut or trimmed without the consent of the owner. Non-target trees and shrubs shall not be damaged.
- ☐ 7. Trimming is limited to only that which is necessary to afford safe clearance. This does not authorize clear swath cutting.
- ☐ 8. The vegetation to be removed shall be surveyed and inspected jointly with a Department representative prior to any work commencing on the highway right-of-way.

ROADSIDE PLANTING

- ☐ 9. Trees and other plant materials may be planted only in such locations and in such species as indicated on the attached plans or as specified in the field by WisDOT.
- ☐ 10. The applicant shall maintain all plantings by watering and mulching when necessary during the first growing season. The applicant may replace dead or dying plantings at any time during this period.
- ☐ 11. No sign or marker identifying the plantings may be placed within the limits of the highway right-of-way.
- ☐ 12. WisDOT agrees to provide reasonable care and maintenance of the plantings to the extent of its usual and customary procedure in relation to any and all roadside vegetation.
- ☐ 13. WisDOT accepts no responsibility for loss that may occur to the plantings. The applicant shall be fully aware that the plantings are subject to mortality; thinning; normal hazards due to maintenance operations, snow control, and public utility installation or alteration; trimming or removal if and when the plantings cause restrictions to sight distance or hazardous snow and ice conditions on the highway; possible destruction should reconstruction of the highway be undertaken; and possible partial or complete abandonment or obliteration or return to private ownership if future changes in highway location should be made.

APPLICANT CHECKLIST

For use when submitting a *DT1812 Application/Permit to Work on Highway Right of Way* for the purpose of ALTERING VEGETATION WITHIN A STATE MAINTAINED HIGHWAY RIGHT OF WAY THAT OBSTRUCTS THE VIEW OF AN OUTDOOR ADVERTISING SIGN

Submit permit applications and public comments to:
Wisconsin Department of Transportation – Outdoor Advertising Program
4802 Sheboygan Avenue – Room 501
Madison WI 53702

IMPORTANT NOTES - READ BEFORE PROCEEDING

The 60-day review period in s. 84.305(3)(b) will commence upon receipt of a complete application.

Each sign face requires a separate application.

No application will be accepted for a sign under appeal until a settlement or decision has been reached.

Limit the vegetation being requested for removal to that which obscures the view to the sign. Clear cutting is not permitted.

1. Provide a completed **APPLICANT CHECKLIST** with each permit application.
2. Provide a completed *DT1812 Application/Permit to Work on Highway Right of Way* [4-pages].
3. Has a permit to work on highway right of way been obtained to mark vegetation to be removed and has the vegetation been field marked: Yes ☒ No ☐ If yes, describe the markings used. If no, explain why not.
PINK MARKING TAPE
4. Provide evidence of current zoning.
5. Provide payment [no cash] of a nonrefundable permit application fee of \$250. *enclosed . check #2460927*
6. Provide the following information:
 - OASIS number of the sign 13670
 - Date the sign was built. For a permitted sign, the permit issue date provides a reasonable timeframe for when a sign was built. When no permit exists, provide the date the sign was built or an explanation of why this date cannot be provided. A permit is incomplete until WisDOT staff can research the date a sign was erected.
 - Category of the sign – when the category is directional, provide the attraction displayed on the sign.
 - Name and complete contact information for the sign owner when different from applicant.
 - Name and complete contact information for the owner of the property on which the sign is located when this information is missing from the Department's database of signs.
7. Provide a site plan with enough detail that a permit reviewer can understand the request and make an informed decision based on the law. At minimum:
 - include a north arrow
 - depict the complete viewing zone
 - label distances to all other signs within 800' of the sign
 - indicate the location of the vegetation to be removed
 - show the location and identify the species of each specimen tree $\geq 12''$ diameter at 3' above ground]
8. Provide color photographs of sufficient detail to allow the applicant to clearly mark and label the specific vegetation to be altered, taken at 1000', 750', 500' and 250' in advance of the sign to be exposed. Include a north arrow and indicate the direction of travel on the roadway. NOTE: This requirement does not apply to interstate routes and other routes where pedestrians are prohibited.
9. Include a Mapquest or equivalent type map at approximately 1"=1 mile or a Rockford Plat map [Rockford Map Publishers. P.O. Box 6126 Rockford, IL. 61125-1112 or <http://www.rockfordmap.com/> or <http://www.rockfordmap.com/education.html>] with the sign's location marked.

10. Describe the proposed work and identify the size, quantity, and type or species of the vegetation to be removed, for example, twelve 3.5" diameter evergreens and five 8" diameter deciduous trees. Note vegetation ≥ 4 " in diameter.
11. Providing the history of prior requests to cut vegetation in the right of way to daylight the sign will be helpful in making a decision on this request.
12. Under which subdivision of the law a remedy is being sought:

____ 84.305(2)(a)1. The sign is 800 feet or less from another sign and, because of an obstruction to sight by planted vegetation in the highway right-of-way, there is no portion of the viewing zone along which, for a distance of 243 continuous feet, the entire face of the sign is viewable.

____ 84.305(2)(a)2. The sign is more than 800 feet from another sign and, because of an obstruction to sight by planted vegetation in the highway right-of-way, there is no portion of the viewing zone along which, for a distance of 350 continuous feet, the entire face of the sign is viewable.

____ 84.305(2)(a)3. Within a distance of 500 continuous feet along any portion of the viewing zone, any portion of the face of the sign is not viewable because of an obstruction to sight by natural vegetation in the highway right-of-way.

~~X~~ 84.305(2)(a)4. The sign is located in a zoned industrial area and, within a distance of 600 continuous feet along any portion of the viewing zone, any portion of the face of a sign is not viewable because of an obstruction to sight by natural vegetation in the highway right-of-way.

13. Does the vegetation specified in the permit application to be removed, relocated, or replaced meet any of these conditions:

CONDITION A - No ____ Yes ____

The adjacent property is in a commercial or industrial area, whether zoned or unzoned, and the sum of the diameters, as measured at 3' above ground, of all trees specified in the permit application having a trunk of at least 4" in diameter, exceeds 20". If so, include the written notice to the adjacent property owners as required by s. 84.305(3)(c) 1.a.

CONDITION B - No ____ Yes ____

The adjacent property is not in a commercial or industrial area, whether zoned or unzoned, and the sum of the diameters, as measured at 3' above ground, of all trees specified in the permit application having a trunk of at least 4" in diameter, exceeds 12". If so, include the written notice to the adjacent property owners as required by s. 84.305(3)(c) 1.b.

CONDITION C - No ____ Yes ____

The adjacent property is in a commercial or industrial area, whether zoned or unzoned, and the sum of the diameters, as measured at 3' above ground, of all trees specified in the permit application having a trunk of at least 4" in diameter, exceeds 30". If so, include the written notice to the municipality as required by s. 84.305(3)(c) 2.a. and to the adjacent property owners as noted in CONDITION A above.

CONDITION D - No ____ Yes ____

The adjacent property is not in a commercial or industrial area, whether zoned or unzoned, and the sum of the diameters, as measured at 3' above ground, of all trees specified in the permit application having a trunk of at least 4" in diameter, exceeds 20". If so, include the written notice to the municipality as required by s. 84.305(3)(c) 2.b. and to the adjacent property owners as noted in CONDITION B above.

Such notice must instruct interested parties to submit comments within thirty days to the address at the top of this Checklist.

14. Is the affected vegetation located within ten feet of the nearest edge of the highway pavement?
No ____ Yes ____ If yes, provide two copies of the official approval for the proposed work from the municipality.

TO BE COMPLETED BY WisDOT:

If the vegetation to be removed is planted, its value has been determined to be \$ _____. See attached estimate.

If the vegetation was planted, does the applicant wish to relocate or replace the vegetation, or reimburse the Department?

Application Checklist Supplemental Information

Lamar Panel # 65450

OASIS # 13670

Landowner Name: Hans Bros Redi Mix

Landowner Address: 6255 Hwy 18 W, Jefferson, WI 53549

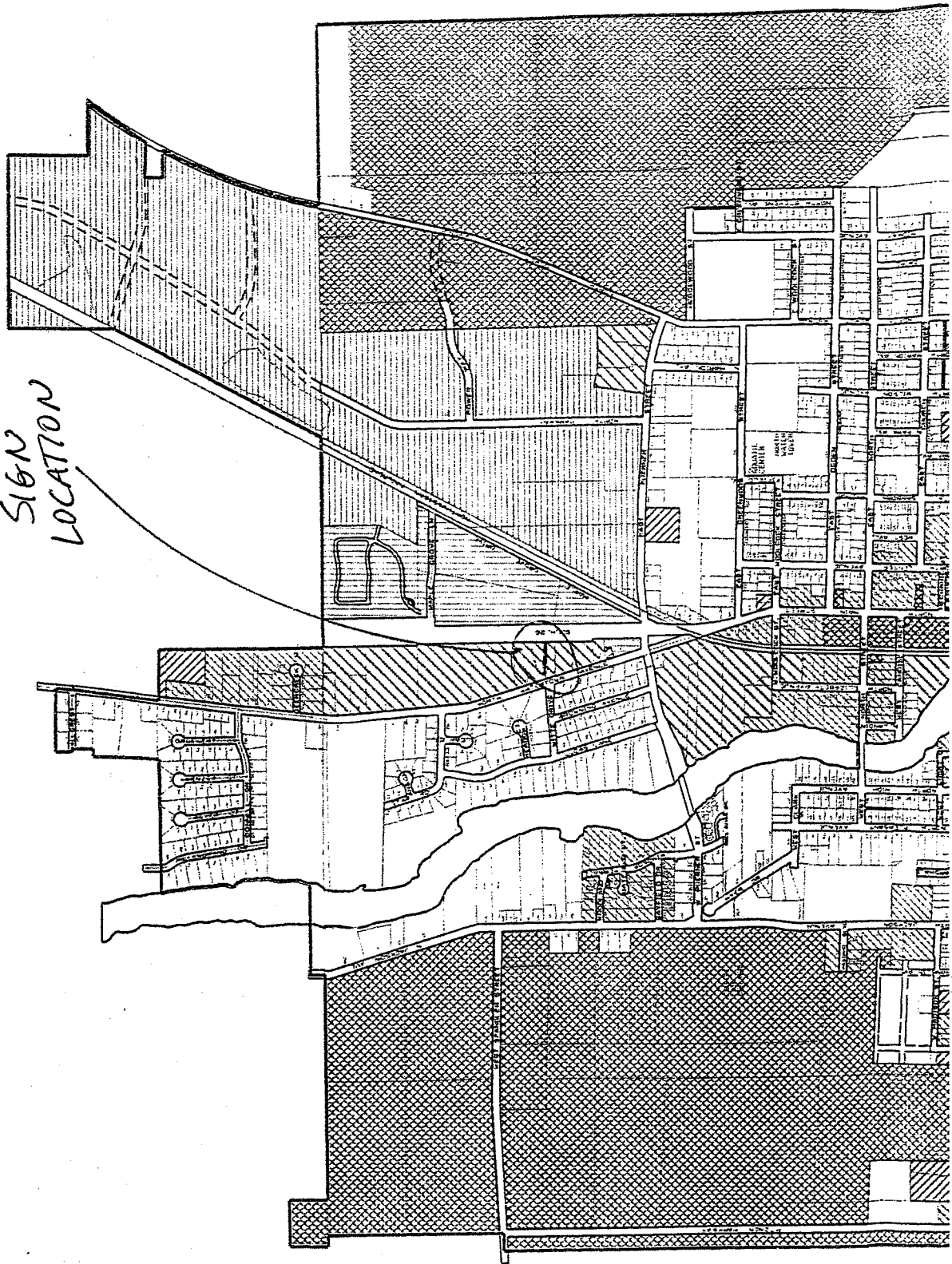
Landowner Phone #: 920-674-3746

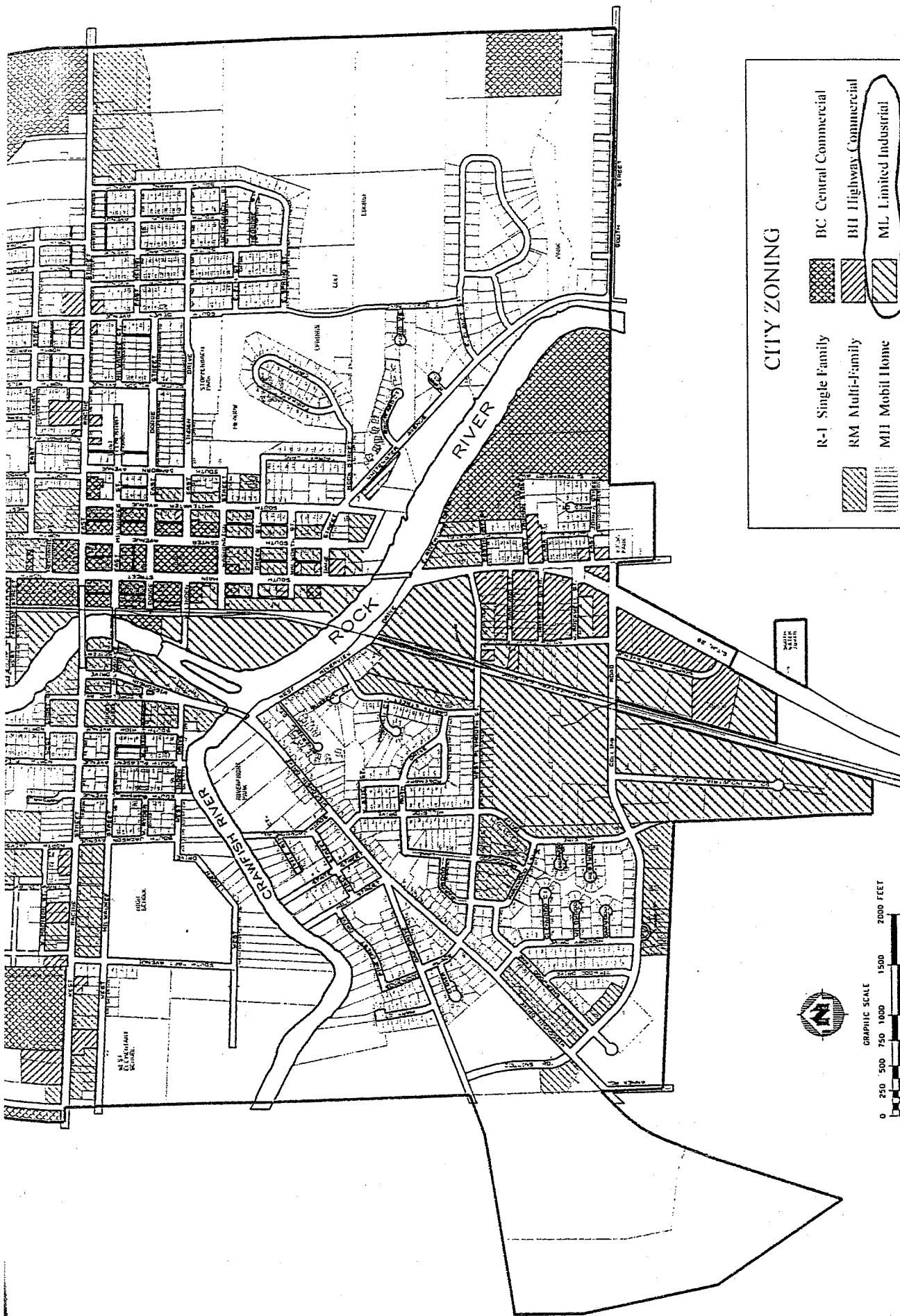
Sign Category: Non-Conforming

Date Sign was permitted or built: Build Date unknown. Lease files indicate this sign was linked to an old OASIS # 101712. Our oldest lease on record dates back to 1999 when Lamar acquired the sign.

CITY OF JEFFERSON ZONING PLAN 2006

SIGN
LOCATION





CITY ZONING

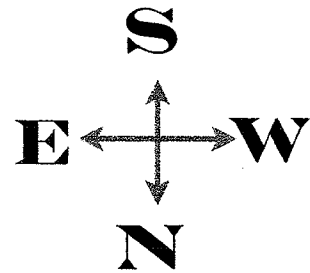
- | | | | |
|--|-------------------|--|-----------------------|
| | R-1 Single Family | | BC Central Commercial |
| | RM Multi-Family | | BH Highway Commercial |
| | MH Mobil Home | | ML Limited Industrial |
| | AG Agriculture | | MG General Industrial |



D.O.T. VEGETATION APPLICATION SITE PLAN - LAMAR SIGN 65450

Highway 26 west side 200' south of Maple Grove Lane

Reading to southbound traffic



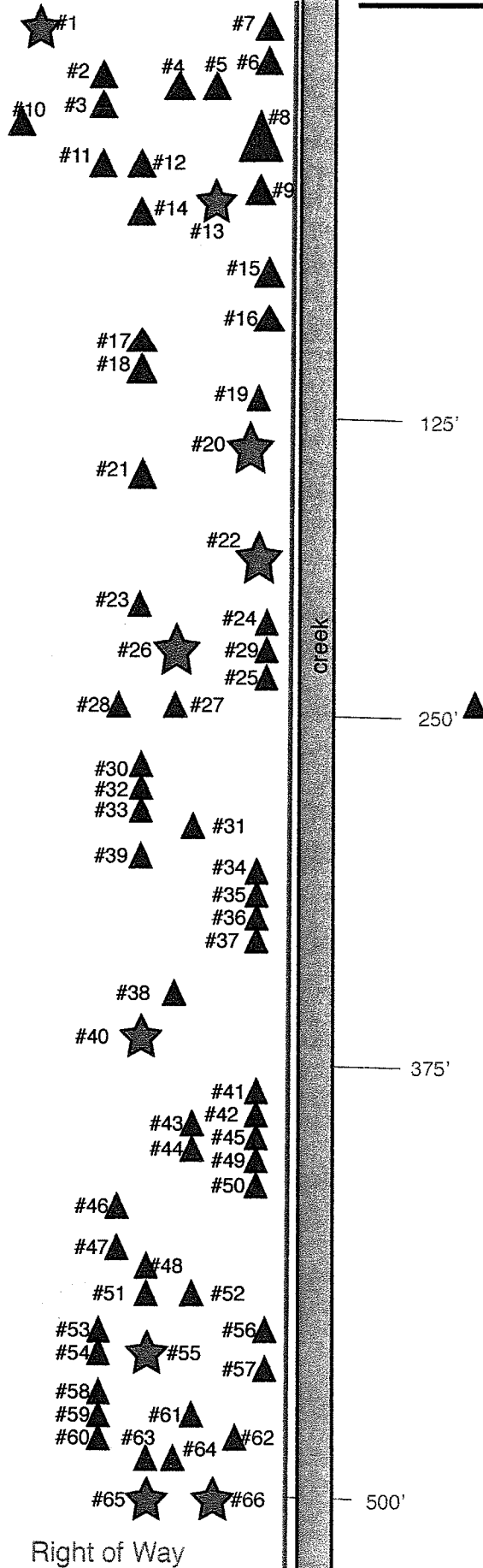
Lamar Sign # 65450

OASIS # 13670

Highway 26 southbound

Road

Right of Way



- | | |
|--------------------------|--------------------------|
| 1. Shrub w/ red berries | 34. Multi Stem Ash |
| 2. Multi Stem Ash | 35. Multi Stem Ash |
| 3. Multi Stem Ash | 36. Multi Stem Ash |
| 4. Multi Stem Ash | 37. Multi Stem Ash |
| 5. Multi Stem Ash | 38. Multi Stem Ash |
| 6. Single Stem Ash | 39. Multi Stem Ash |
| 7. Multi Stem Ash | 40. Shrub w/ red berries |
| 8. Multi Stem Ash | 41. Multi Stem Ash |
| 9. Multi Stem Ash | 42. Single Stem Ash |
| 10. Multi Stem Ash | 43. Multi Stem Ash |
| 11. Multi Stem Ash | 44. Multi Stem Ash |
| 12. Multi Stem Ash | 45. Multi Stem Ash |
| 13. Shrub w/ red berries | 46. Multi Stem Ash |
| 14. Multi Stem Ash | 47. Multi Stem Ash |
| 15. Multi Stem Ash | 48. Multi Stem Ash |
| 16. Multi Stem Ash | 49. Multi Stem Ash |
| 17. Multi Stem Ash | 50. Multi Stem Ash |
| 18. Multi Stem Ash | 51. Multi Stem Ash |
| 19. Multi Stem Ash | 52. Multi Stem Ash |
| 20. Shrub w/ red berries | 53. Multi Stem Ash |
| 21. Single Stem Ash | 54. Multi Stem Ash |
| 22. Shrub w/ red berries | 55. Shrub w/ red berries |
| 23. Multi Stem Ash | 56. Multi Stem Ash |
| 24. Multi Stem Ash | 57. Multi Stem Ash |
| 25. Multi Stem Ash | 58. Multi Stem Ash |
| 26. Shrub w/ red berries | 59. Multi Stem Ash |
| 27. Multi Stem Ash | 60. Multi Stem Ash |
| 28. Multi Stem Ash | 61. Multi Stem Ash |
| 29. Multi Stem Ash | 62. Multi Stem Ash |
| 30. Multi Stem Ash | 63. Multi Stem Ash |
| 31. Single Stem Ash | 64. Multi Stem Ash |
| 32. Multi Stem Ash | 65. Shrub w/ red berries |
| 33. Multi Stem Ash | 66. Shrub w/ red berries |

Key



Multi Stem Ash



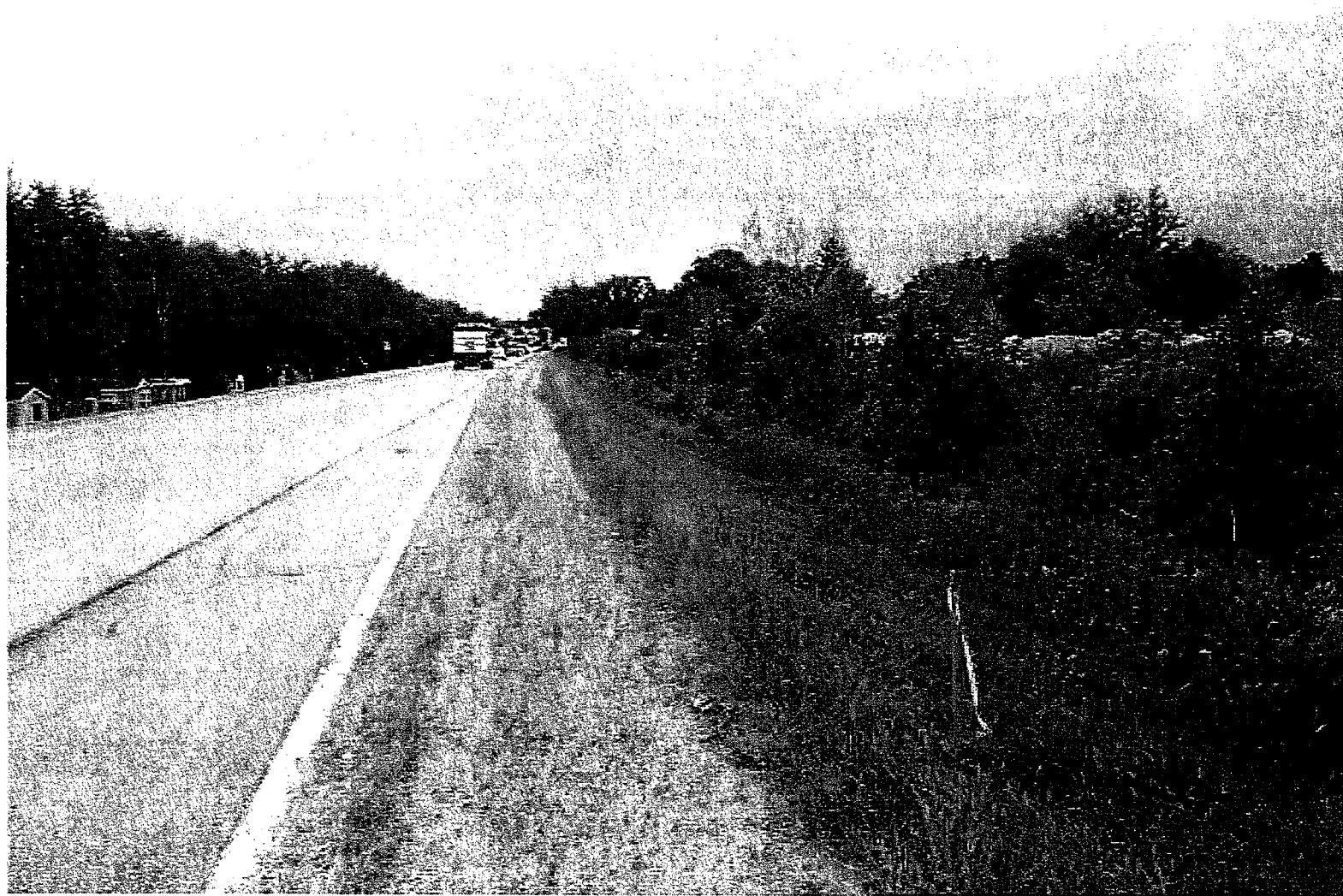
Shrub with red berries











AB 216

Transportation Hearing

September 20, 2011, 10:30AM

Hello, my name is Shirley Brabender Mattox from Oshkosh. I am a retired music teacher, a former city councilor, and a member of Scenic Wisconsin.

1) Trees and Vegetation

- Across Wisconsin there is an increased awareness of the importance of "greenspace" and increasing the tree canopy in our state. Trees provide a multitude of benefits and many Wisconsin communities are expanding their tree-planting programs for our future generations.
- In Oshkosh our Community Foundation raised over \$500,000 partnering with the City of Oshkosh in the "Taking Root Project" to plant thousands of trees;
- The Green Bay Packers "First Downs For Trees" planted over 300 trees in Brown County after the Packer's great season last year; hopefully, this season there will be many more "First Downs" and the Packers will again plant more than 300 trees!
- In Forest County the Potawatomi Tribe were honored this year by the DNR-UFC for Managing the Tribe's Community Forest with a strategic plan.

However, as community groups plant trees, the proposed AB 216 gives billboard owners the right to cut 500 continuous feet of trees and vegetation in front of each billboard with NO standards from DOT. This is the wrong message to send to Wisconsin communities that our natural environment is expendable for a sign. Mow the grass, shred the shrubs, chop down the trees. But, wait! This is landscaping, this serves as habitat for wildlife, this serves as a protection against drifting snow, this is part of Wisconsin's natural beauty. This landscaping was paid for by taxpayers!

2) Tourism

- Wisconsin's Department of Tourism reported that last year, from September to November, tourists brought almost \$3 billion dollars in to Wisconsin for the "Fall Colors". Visitors are surprised at every turn in the road by brilliant maples, white birch, majestic oaks and lovely sumac creating a carpet of glorious colors. Tourism is a tremendous source of revenue for Wisconsin's many businesses and industries.
- However, if every highway and scenic byway is scalped of ALL natural vegetation in front of billboards lining the highways to Door County, Taliesin, the La Crosse Bluffs, the Dells, what will people come to see?
- One of the Department of Tourism's "Travel Green Wisconsin's" GOALS is to "protect the beauty and vitality of Wisconsin's landscape". People are coming here to appreciate the Scenic Beauty which creates a very special

sense of place. Travelers realize this natural beauty is God's gift to Wisconsin. We must be responsible custodians of our environment!

3) The Fiscal Impact of AB 216 is staggering.

- Landscaping actually has a value.
- Cities estimate that one mile of landscaped terraces have a value of \$132,000 per mile. The clear-cutting allowed and encouraged in this legislation covers a much wider area and supports more trees than a city terrace, so it is valued at least at \$150,000 per lane-mile. (This landscaping is being sacrificed to a very small segment of the advertising media: signs!)
- There are at least 7,427 billboard faces, each eligible for clearing 500 feet of trees and vegetation. That adds up to the potential clear-cutting of 703 miles, the from Madison, WI to Bismarck, ND, or going south to Huntsville, AL!!
- Clear-cutting the trees for 703 miles of right-of-way has an economic impact loss of over \$100,000,000 million dollars!

4) DOT Standards are eliminated.

- One of the primary reasons permits are issued to work on a highway right-of-way is to establish Standards to ensure the safety of motorists and the safety of the people doing the permitted work. Safety is paramount to the DOT!
- The proposed change 84.305 (6) creates a rather tricky distinction between supervising how the work is done and removing the DOT's authority to set the Standards for carrying out the permitted work.
- Assembly Bill 216 basically emasculates the DOT- they really are no longer in charge; it impowers the billboard owners who are going to be running the show!

5) "Just Compensation"

- The state, through the DOT, is required to pay "just compensation" to the owner of a billboard when the sign is acquired as part of a highway improvement project, like Highway 41 in Oshkosh in Winnebago County. The DOT paid over \$528,737 to move (4) and remove (5) 9 billboards. That payment was our taxpayer's money!
- So, Wisconsin taxpayers should be paid "just compensation" for the value of the highway trees and vegetation when a private business acquires and removes the taxpayer-funded landscaping for the billboard owner's commercial benefit.
- Taxpayers should not be subsidizing billboard companies as they clear away tax-funded highway landscaping.

6) My Dad taught me the value of trees.

- My Dad died last year; he would have been 100 this year. During WWII he worked at Gisholt Machine Company and also as a tree surgeon for Humphrey Tree Experts. He trimmed some of the very trees on this Capitol Square. Although only educated through the 8th grade, he is shaking his head in disbelief that educated legislators would even consider letting a private business scrape the earth of all trees and green vegetation - for a sign!

Assembly Bill 216 - Public Vegetation Destruction Bill

Just over \$100 Million Dollars of Highway landscaping could be destroyed needlessly under this legislation.

Tourism continues to be a core strength of Wisconsin's economy. The tourism industry adds in excess of \$13 billion to the state's economy every year... and supports 310,330 jobs which provide \$7.3 billion in payroll. This proposed legislation threatens to undermine this important part of Wisconsin's economy.

The thoughts of an Economic Development Planner on AB 216

I have spent the majority of my 36 year professional career as an economic development planner creating jobs and an environment conducive to the creation of jobs. The Wisconsin tourism industry is the second biggest contributor to Wisconsin's annual economy. People come to Wisconsin to see the natural beauty of our state. They don't come here to see who is advertising hip surgery or a car dealership. Wisconsin taxpayers have invested in landscaping our right-of-ways to give a favorable first impression. The creation and preservation of Wisconsin's tourism based jobs is largely dependent upon protecting the image of our State's roadways. If we allow our scenic landscapes and vistas to be replaced by advertising corridors our reputation as a vacation destination will suffer and our tourism economy will also decline. Especially now in this tough economy we cannot afford to undermine our 13 billion dollar tourism economy, and all of its' 310,000 plus jobs for the benefit of a handful of advertisers many of which are owned by out of state interests. Allowing additional landscape plantings to be destroyed is not only a breach of public trust, and wasting taxpayer's money... it is also a serious threat to the jobs of the many Wisconsin residents who depend on our tourism industry for their livelihood.

In the previous bill the DOT staff had the flexibility to distinguish between valuable landscape plantings and low value vegetation. The legislature graciously allowed this concession to the outdoor advertising industry with some proper oversight by the DOT staff. Once this concession was made to them however... now they want to come back and revise the law to eliminate even the higher value plantings which they had previously agreed to preserve. **If you give them an inch... they will take a mile.** I am personally outraged by the arrogance and audacity of this proposed bill, and you should be too.

The draft AB 216 legislation proposes:

1. **The elimination of any WisDOT supervision for the cutting and removal of trees and vegetation.**

This is like having the Fox watch the chicken coop to ensure their safety – it is irresponsible to the citizens of Wisconsin

- *Currently WisDOT carefully supervises the cutting and removal of trees and vegetation to ensure only what was approved in the permit is cut and removed.*

2. **The elimination of any requirement to reimburse WisDOT for the loss of any trees and vegetation planted with taxpayer funds and/or the cost of relocation.**

When it is necessary to remove a billboard for the purpose of providing an improved roadway (a public purpose), taxpayers are required to provide compensation to the owner of that property.

In this proposed bill, when the billboard company wishes to remove the property of Wisconsin tax payers, why then is the Outdoor advertising company not being required to compensate Wisconsin taxpayers for the removal and loss of our property? There is a very basic inequity here...especially since there is no public purpose being served by the removal of these trees – only a self-serving profit motive by a private business, which is a disservice to Wisconsin residents.

➤ *Currently WisDOT requires reimbursement for the loss of any trees and vegetation planted with taxpayer funds and or the cost of relocation.*

3. **The elimination of any written notice of the application to any adjacent property owner and to the applicable municipality.**

This is totally unjust and un-American. The landscape plantings are often not only beautification from the viewpoint of the motorist; they are also screening vegetation protecting the adjacent property owner. To eliminate any public notification to the landowner (or the community) before a tree or vegetation is irreversibly removed is absurd, and more importantly unjust! All voices and opinions need to be considered in making these decisions.

For 6 decades I have lived in a state where an adjacent property owner's rights were at least heard, and hopefully considered. I hope that you will continue to respect the rights of all affected citizens and reject any legislation that unnecessarily tramples on what is best for all Wisconsin residents.

The Public Roadways belong to all Wisconsinites. Having your advertising message seen by the traveling public is a privilege, not a right. The proposed AB 216 legislation abuses that privilege and consequently should be rejected. I respectfully request that you as our representatives respect the rights of all Wisconsin residents and vote no on AB 216.

➤ *Currently WisDOT requires written notice to any adjacent property owner and to the applicable municipality to ensure any information or concerns they may have are heard prior to the issuance of a permit.*